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10/736,645	12/17/2003	James L. McElhannon	116521	3850
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VETTER, DANIEL				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/736,645

Applicant(s)

MCELHANNON, JAMES L.

Examiner

DANIEL P. VETTER

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 12 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of the Claims

1. Claims 1-6 and 8-13 were previously pending in this application. Claims 1, 9, 10, and 12 were amended in the reply filed August 12, 2008. Claims 1-6 and 8-13 are currently pending in this application.

Response to Arguments

2. Applicant's arguments with respect to the rejections made under § 112, second paragraph, have been considered but are unpersuasive. Applicant argues that the disputed limitations are meant to recite intended functions, however this is not clear based upon the actual language used in the claims as they are currently drafted. For example, lines 6-7 of claim 1 recite that "the printer prints a recovery coupon." Is the actual activity of printing the recovery coupon required of a device for it to be considered infringing? Or would merely creating an apparatus that was configured or able to print a recovery coupon expose a manufacturer to liability, regardless of whether or not the printer is ever actually engaged in printing a recovery coupon? The drafting style of these claims does not fulfill the notice requirement of § 112 because the claims do not properly apprise the public as to what would constitute infringement of the claimed apparatus should a patent be issued. Accordingly, the rejections are maintained.

3. Applicant's arguments with respect to the rejections made under § 103(a) have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-6, 8, and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claims 1-6, 8, and 9 are directed to a "system" and therefore not considered processes for the purposes of § 101. However, these claims recite actions or steps as part of the system (e.g., "module that detects errors . . . and generates error recovery information", "the printer prints a recovery coupon", etc.). A single claim that claims both an apparatus and the method steps of using the apparatus is indefinite. *IPXL Holdings v. Amazon.com, Inc.*, 430 F.2d 1377, 1384, 77 USPQ2d 1140, 1145 (Fed. Cir. 2005). These claims do not properly apprise the public as to what would constitute infringement (i.e., creation of the claimed system or the act of using it) and accordingly are rejected as vague and indefinite under § 112, second paragraph.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 3, 4, 6, and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shindo, Japanese Pat. Pub. No. 09-035129 (Reference N of the PTO-892 part of paper no. 20071120) in view of Kane, et al., U.S. Pat. Pub. 7,137,043 (Reference A of the attached PTO-892) and Kimata, U.S. Pat. No. 5,043,561 (Reference C of the PTO-892 part of paper no. 20070424).
9. As per claim 1, Shindo teaches an automated error detection and recovery system for a common use self service kiosk in which a user reads commands and inputs responses in an automated process, comprising: an error detection module that detects an error in the commands or responses that occurred during the automated process (Example ¶I) and generates error recovery information (Means for Solving the

Problem ¶); a printer associated with the error detection module (Means for Solving the Problem ¶), wherein the printer prints a recovery coupon containing information pertaining to the generated error recovery information (Means for Solving the Problem ¶), the printed information including a unique identifier identifying an instance of the automated process in which the error was encountered (Example ¶); a document reader to read the recovery coupon and the information pertaining to the generated error recovery information (Effect of the Invention ¶); and an error recovery module that determines a status of the automated process and the commands or responses contained therein, based on the unique identifier contained in the recovery coupon (Example ¶).

Shindo does not explicitly teach that the error recovery information includes a step ID, in coded or uncoded form, the step ID identifying a step in the automated process at which the error was encountered; that the status is also determined based on the step ID; and that the status indicates which of the commands succeeded and which failed; which are taught by Kane (col. 3, lines 47-57; col. 4, lines 16-21). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Kane into the system taught by Shindo because this is merely a combination of old elements. In the combination each element would have performed the same function that it does separately, and one skilled in the art would have recognized that the results of the combination were predictable and obtainable through routine engineering. The step ID taught in Kane would serve to supplement the error code identifier already taught by Shindo, resulting in a recognizably improved system that provides more robust information on recorded errors.

Shindo further teaches the error recovery module analyzes the status information (Effect of the Invention ¶), but does not explicitly teach that the error recovery module provides solutions for detected errors; which is taught by Kimata (col. 18, lines 54-55). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Kimata into the system taught by

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Shindo so that a clerk can adjust fare amounts on after a check-in error (as taught by Kimata; col. 18, lines 54-55).

10. As per claim 3, Shindo in view of Kane and Kimata teaches the system of claim 1 as described above. Shindo further teaches the reader is located at an agent workstation separate from the kiosk (Effect of the Invention ¶). Shindo further teaches the error recovery module is contained in a server connected to an agent workstation separate from the kiosk (Example ¶) rather than at the agent workstation itself. However, it would have been prima facie obvious to one having ordinary skill in the art at the time of invention to modify Shindo such that the error recovery module is located at an agent workstation separate from the kiosk because placing the module in the workstation itself rather than in a connected server is simply a matter of obvious engineering choice to eliminate the need for a separate server. *See In re Larson*, 340 F.2d 965, 968; 144 USPQ 347, 349 (CCPA 1965) (claims using a one-piece construction held obvious over a prior art reference that disclosed only the connected parts).

11. As per claim 4, Shindo in view of Kane and Kimata teaches the system of claim 1 as described above. Shindo further teaches the error recovery module is contained in a server connected to an agent workstation separate from the kiosk (Example ¶).

12. As per claim 6, Shindo in view of Kane and Kimata teaches the system of claim 1 as described above. Shindo further teaches the user is an airline passenger and the automated process is a passenger check-in process (Abstract- see Use/Advantage; Industrial Application ¶).

13. As per claim 9, Shindo in view of Kane and Kimata teaches the system of claim 1 as described above. Shindo further teaches the agent workstation includes the document reader to read the recovery coupon (Effect of the Invention ¶). Kimata further teaches the agent workstation includes: a display for displaying generated error recovery information and proposed solutions for the detected error (col. 8, line 54); an operator interface for executing the solutions (col. 8, line 62); a printer for printing finalized documents (col. 8, line 58). It would have been prima facie obvious to one

having ordinary skill in the art at the time of invention to incorporate the above teachings of Kimata into the system taught by Shindo so because this is merely a combination of old elements. In the combination each element would have performed the same function as it does separately, and one skilled in the art would have recognized that the results of the combination were predictable and obtainable through routine engineering.

14. As per claim 10, Shindo teaches a method of error detection and recovery during automated passenger check-in at a common use self service kiosk in which a passenger reads commands and inputs responses in an automated check-in process, comprising: monitoring the passenger check-in process for errors (Means for Solving the Problem ¶I); generating error recovery information when an error is detected (Means for Solving the Problem ¶I); printing a recovery coupon encoded with at least one of the generated error recovery information and a pointer to the error recovery information (Means for Solving the Problem ¶I), the generated error recovery information including a unique identifier identifying an instance of the automated process in which the error was encountered (Example ¶I).

Shindo does not explicitly teach that the error recovery information includes a step ID, the step ID identifying a step in the automated check-in process at which the error was encountered; determining which of the commands succeeded and which failed; automatically providing at least one solution to the error; and correcting the detected error based on the unique identifier and the step ID printed on the recovery coupon. Kane teaches that the error recovery information includes a step ID, the step ID identifying a step in the automated check-in process at which the error was encountered; and determining which of the commands succeeded and which failed (col. 3, lines 47-57; col. 4, lines 16-21). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Kane into the system taught by Shindo because this is merely a combination of old elements. In the combination each element would have performed the same function as it does separately, and one skilled in the art would have recognized that the results of the combination were predictable and obtainable through routine engineering. The

step ID taught in Kane would serve to supplement the error code identifier already taught by Shindo, resulting in a recognizably improved system that provides more robust information on recorded errors.

Kimata teaches providing at least one solution to the error (col. 18, lines 54-55), and correcting the detected error based on the information printed on the recovery coupon (col. 18, lines 65-68). It would have been *prima facie* obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Kimata into the method taught by Shindo to perform fare adjustment processing so that the passenger can proceed after an error (as taught by Kimata; col. 19, line 4). While Kimata does not teach that providing the solution occurs automatically, broadly providing an automatic means to accomplish a known activity is not sufficient to distinguish a claimed invention over the prior art. *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). In this case, providing the solution automatically would have been an obvious expedient that could have been obtained through routine engineering producing predictable results. Additionally, while Kimata does not explicitly teach that the error recovery information used to correct the error is the unique identifier and the step ID, the base references Shindo and Kane demonstrate that these are already-known types of recovery information, and thus it would have been obvious to include them. One of ordinary skill in the art viewing these references together would have recognized that the information taught in Kimata could readily be substituted with other types of recovery information known in the art (e.g., those present in Shindo and Kane) to achieve the same predictable result of a solution to the error. The substitution would also provide a recognizably improved system that provides more robust information on recorded errors.

15. As per claim 11, Shindo in view of Kane and Kimata teaches the method of claim 10 as described above. Shindo further teaches reading the information printed on the recovery coupon (Function ¶I) and determining the status of the commands or responses based on the information read from the coupon (Function ¶I). Kimata further teaches providing at least one solution for the errors based on the information read from

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the recovery coupon (col. 18, line 55). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Kimata so that a clerk can perform fare adjustment processing after an error has occurred (as taught by Kimata; col. 18, lines 54-55).

16. As per claim 12, Shindo teaches a method of error detection and recovery during automated passenger check-in at a common use self service kiosk in which a passenger reads commands and inputs responses in an automated check-in process, comprising: monitoring the automated passenger check-in process at a kiosk (Means for Solving the Problem ¶); generating error recovery information at the kiosk when an error is detected (Means for Solving the Problem ¶); printing a recovery coupon at the kiosk encoded with at least one of the generated error recovery information and a pointer to the error recovery information using a printer at the kiosk (Means for Solving the Problem ¶), the generated error recovery information including a unique identifier identifying an instance of the automated check-in process in which the error was encountered (Example ¶); generating a message for display on a kiosk display instructing the passenger to bring the recovery coupon to an agent (Example ¶); reading the recovery coupon at an agent workstation (Function ¶); and determining a cause of the detected error based on the unique identifier read from the coupon (Example ¶).

Shindo does not explicitly teach that the error recovery information includes a step ID, the step ID identifying a step in the automated check-in process at which the error was encountered; that the cause is also determined based on the step ID; determining which of the commands succeeded and which failed, automatically providing at least one solution to the error; correcting the error; and printing passenger travel documents. Kane teaches that the error recovery information includes a step ID, the step ID identifying a step in the automated check-in process at which the error was encountered; that the cause is also determined based on the step ID; and determining which of the commands succeeded and which failed (col. 3, lines 47-57; col. 4, lines 16-21). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Kane into the system taught by

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Shindo because this is merely a combination of old elements. In the combination each element would have performed the same function as it does separately, and one skilled in the art would have recognized that the results of the combination were predictable and obtainable through routine engineering. The step ID taught in Kane would serve to supplement the error code identifier already taught by Shindo, resulting in a recognizably improved system that provides more robust information on recorded errors.

Kimata teaches providing at least one solution to the error (col. 18, line 55); correcting the error (col. 18, lines 65-68); and printing passenger travel documents (col. 18, line 67- col. 19, line 1). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Kimata into the method taught by Shindo to perform fare adjustment processing so that the passenger can proceed after an error (as taught by Kimata; col. 19, line 4). While Kimata does not teach that providing the solution occurs automatically, broadly providing an automatic means to accomplish a known activity is not sufficient to distinguish a claimed invention over the prior art. *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). In this case, providing the solution automatically would have been an obvious expedient that could have been obtained through routine engineering producing predictable results.

17. As per claim 13, Shindo in view of Kane and Kimata teaches the method of claim 10 as described above. Kimata further teaches monitoring the passenger check-in process for potential security issues (col. 18, line 56); and notifying the proper authorities when a potential security issue is detected (col. 18, line 60). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Kimata in order to prevent illegal boarding (as taught by Kimata; col. 18, lines 56-60).

18. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shindo in view of Kane and Kimata as applied to claim 1 above, in further view of Enta, U.S. Pat. No. 5,983,197 (Reference A of the PTO-892 part of paper no. 20070424).

19. As per claim 2, Shindo in view of Kane and Kimata teaches the system of claim 1 as described above. Shindo does not explicitly teach the error detection module is contained in a server connected to the kiosk; which is taught by Enta (Abstract). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Enta in order to make decisions remotely for support dispatch (as taught by Enta; Abstract).

20. As per claim 8, Shindo in view of Kane, Kimata and Enta teaches the system of claim 2 as described above. Shindo further teaches the kiosk includes: a display for displaying the commands to the user (Example ¶); an operator interface for entering the responses to the commands (Example ¶); and the printer for printing at least one of finalized document and the recovery coupon (Means for Solving the Problem ¶).

21. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shindo in view of Kane and Kimata as applied to claim 1 above, in further view of Pugliese, et al., U.S. Pat. Pub. No. 2001/0016825 (Reference B of the PTO-892 part of paper no. 20070424).

22. As per claim 5, Shindo in view of Kane and Kimata teaches the system of claim 1 as described above. Shindo does not explicitly teach the automated error detection and recovery system is networked with an airport database, which is taught by Pugliese (¶ 0044). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Pugliese in order to access passenger records during check-in (as taught by Pugliese; ¶ 0044).

Conclusion

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL P. VETTER whose telephone number is (571)270-1366. The examiner can normally be reached on Monday through Thursday from 8am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JOHN W HAYES/

Supervisory Patent Examiner, Art Unit 3628